

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Tr.P(C).No. 44 of 2006()

OP.989/2001 of FAMILY COURT,TRIVANDRUM
.....

PETITIONER/1ST PETITIONER:

MANJU, D/O. BHASKARAN PILLAI,
DRYAVYAM VETTIYA MOOLA VEEDU, NANTHIYODU,
PACHA P.O., TRIVANDRUM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENT: RESPONDENT;

BALU B., S/O. BHASKARAN,
MAMMOOTU VEEDU, KALLUMMOODU, ANAYARA P.O.,
TRIVANDRUM.

BY ADV. SRI.M.SREEKUMAR

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

HARUN-UL-RASHID, J.

Tr.P. (C) No.44 of 2006

Dated: September 10, 2007

ORDER

The petitioner in this transfer petition is the 1st petitioner in M.C.No.104/2005 on the file of the Family Court, Nedumangad, which was originally filed as M.C.No.394/2001 before the Family Court, Thiruvananthapuram. Subsequently when the Family Court at Nedumangad was formed, this case was re-numbered as M.C.104/2005, transferred and tried before the Family Court, Nedumangad. It is submitted by the learned counsel for the respondent that the said M.C. was disposed of on 9.3.2006.

2. O.P.No.989/2001 which was connected to M.C.No.394/2001 was filed before the Family Court, Thiruvananthapuram, under section 13 of the Hindu Marriage Act for dissolution of marriage. While both the cases were pending before the said court, the M.C. was transferred to the Family Court, Nedumangad. In the transfer petition it is averred that the petitioner is a permanent resident of Nedumangad Taluk, that M.C.104/2005 is pending before the Family Court, Nedumangad, that the marriage between the parties was solemnized at Nedumangad and that the Family Court, Nedumangad has jurisdiction to try the case. It is further averred that since the petitioner is a lady and a permanent resident of Nedumangad, it is more convenient and just if the petition is transferred to the Family Court, Nedumangad.

3. When the matter came up for final hearing today, due to the

subsequent developments, I think a transfer as sought for is not necessitated. Primarily, the M.C. before the Nedumangad Family Court was disposed of pending this transfer petition. It is also noticed by me that the trial of O.P.989/2001 is at an advanced stage and the trial proceedings has been continued during 2005-06. In such a situation a transfer of this matter from the Family Court, Thiruvananthapuram to the Family Court, Nedumangad may cause more hardship to both the parties. In the circumstances I find that no reason is made out for a transfer. Accordingly, this transfer petition is dismissed.

4. Since the matter is a long pending matter, there will be a direction to the Family Court, Thiruvananthapuram to try and dispose of the case as expeditiously as possible, at any rate, within six months from today.

There will be no order as to costs.

**HARUN-UL-RASHID
JUDGE**

mt/-